

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN DARNELL STRONG,

Plaintiff,

v.

Case No. 08-13506

JOHN E. POTTER, Postmaster
General,

HONORABLE AVERN COHN

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO AMEND THE STAY ORDER

This is an employment discrimination case. Plaintiff Kevin Strong, proceeding pro se, is suing defendant, John E. Potter, Postmaster General of the United States Postal Service (the government) claiming discrimination resulting in his termination as a mail handler. The Amended Complaint was filed on October 22, 2008. On January 15, 2009, the government filed a motion to dismiss or for summary judgment. On January 29, 2009, following a status conference with the parties, the Court ordered plaintiff to file a response to the government's motion by March 27, 2009. On February 11, 2009, plaintiff filed a motion to stay proceedings pending arbitration scheduled for March 31, 2009. The government did not oppose the motion. The Court granted the motion. See Order filed February 13, 2009.

Before the Court is plaintiff's motion to amend the stay order to allow discovery to continue. The government opposes the motion. The motion is DENIED. First, plaintiff requested the say, arguing that the outcome of the arbitration might have a bearing on

the outcome of this case. Plaintiff did not ask to exempt discovery in requesting the stay. Second, it appears that plaintiff seeks discovery in this case so that he can use it in arbitration. That is not a permissible use of discovery. If plaintiff desires discovery in the arbitration, he must do so through the arbitration process. Finally, plaintiff's suggestion that allowing discovery to continue would expedite the case is not well-taken, particularly given the history of litigation between plaintiff and the government.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 2, 2009

I hereby certify that a copy of the foregoing document was mailed to Kevin Strong, 27610 Goldengate Dr. W, Lathrup Village, MI 48076 the attorneys of record on this date, March 2, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160